APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,929	12/22/2003	Michael K. Saltz	SUN1P868/SUN04012	9010

20686   7590   06/01/2007

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EXAMINER
PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
06/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 July 2005*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-22* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-22* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *22 December 2003* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *2/4; 3/5; 6/5*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the communication 07/16/2005. Claims 1 – 22 were

received for consideration. No preliminary amendments were filed. Claims 1 – 22 are

currently pending.

Information Disclosure Statement

2.   Three initialed and dated copies of Applicant's IDS form 1449 are attached to the

Office action.

Drawings

3.   Figure 1A and 1B should be designated by a legend such as --Prior Art--

because only that which is old is illustrated. See MPEP § 608.02(g). Corrected

drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action

to avoid abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1 – 22 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 46 of U.S. Patent No. 6,418,444. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 22 correspond to the claims of 1 – 46 of the patent claims, except in the instant claims the elements "a first application", "a second application" and "first firewall control block", are referred in the patent claims as "computer program" and "a firewall".

It would have been obvious to one having ordinary skill in the art to recognize that "a first application and a second application" are equivalent to "computer program"

and "first firewall control block" is equivalent to "a firewall. Claims of the instant

application are anticipated by patent claims in that the patent claims contains all the

limitations of the instant application. Claims of the instant application therefore is not

patentably distinct from the earlier patent claims and as such are unpatentable for

obvious-type double patenting *(In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993).*

5.   Claims 1 – 22 rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1 – 69 of U.S. Patent No. 6,742,006.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the instant case, all elements of claims 1 – 22 correspond to the

claims of 1 – 69 of the patent claims, except in the instant claims the elements "a first

application", "a second application" and "first firewall control block", are referred in the

patent claims as "computer program" and "a firewall".

It would have been obvious to one having ordinary skill in the art to recognize

that "a first application and a second application" are equivalent to "computer program"

and "first firewall control block" is equivalent to "a firewall. Claims of the instant

application are anticipated by patent claims in that the patent claims contains all the

limitations of the instant application. Claims of the instant application therefore is not

patentably distinct from the earlier patent claims and as such are unpatentable for

obvious-type double patenting *(In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993).*

Specification

6.   A substitute specification in proper idiomatic English and in compliance with 37

CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied

by a statement that it contains no new matter.

Examiner has noted "mart card", a spelling mistake with the paragraph [0003]

and request the applicant to correct any errors that they notice with their response to

this office action.

The use of the trademark [Java ^tm] has been noted in this application. It should

be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

·· Claim 15 is objected to because of the following informalities: Claim 15 is

missing period at the end of claim recitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

7.   Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery et al. (U.S. Patent Number 7,127,605).

8.   As per Claims 1 and 9, Montgomery teaches "an operating system; a Java™ compliant virtual machine operating on said operating system; a first Java™ compliant applet operating on said Java™ compliant virtual machine; a Java™ compliant applet operating on said virtual machine Java™ compliant virtual machine; and a first firewall control block, wherein said first firewall control block defines access privileges of said first Java™ compliant applet with respect to at least one other Java™ compliant applet operating on said Java™ compliant virtual machine, and further defines the access privileges of said at least one other Java™ compliant applet Java™ compliant applet with respect to said first Java™ compliant applet" (Column 3 lines 28 – 42).

9.   As per Claims 16 and 22, Montgomery teaches " receiving a request from a first Java™ compliant applet operating on Java™ virtual machine to access a second Java™ compliant applet; reading a firewall control block associated with said second Java™ compliant applet; determining, based on said firewall control block, whether said first Java™ compliant applet should be allowed to access said second Java™ compliant applet; and allowing said first Java™ compliant applet to access said second Java™ compliant applet when said determining determines that access should be allowed" (Column 3 lines 28 – 42).

10.   As per Claim 2, Montgomery teaches "a second firewall control block, wherein said second firewall control block defines access privileges of said second application with respect to said first application, and further defines the access privileges of said first application with respect to said first application" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

11.   As per Claim 3, Montgomery teaches "wherein said first firewall control block defines access privileges of said first application with respect to any other application in said computing environment, and further defines the access privileges of said any other application with respect to said first application" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

12.   As per Claims 4 and 11, Montgomery teaches "wherein said first firewall control block includes a firewall control value and a firewall control indicator" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

13.   As per Claims 5 and 12, Montgomery teaches "wherein said firewall control value is a access privileges control value represented by one or more bytes, and wherein said firewall control value is an indicator value represented by one or more bytes that indicate how the firewall control value should be interpreted with respect to access privileges of other applications" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

14. As per Claims 6 and 13, Montgomery teaches "wherein said first firewall control block includes a PID" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

15. As per Claims 7 and 14, Montgomery teaches "wherein said computing environment is a Java™ compliant computing environment, and wherein said first and second applications are Java™ compliant applets, wherein said first firewall control block includes an AID" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

16. As per Claim 8, Montgomery teaches "wherein said computing environment is a Java™ card compliant computing environment, and, wherein said first firewall control block is implemented as in the run rime environment" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

17. As per Claim 10, Montgomery teaches "wherein said mobile device is a Java™ compliant smart card" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

18. As per Claim 15, Montgomery teaches "wherein for a firewall control block is defined for every Java™ compliant applet" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

19.   As per Claim 17, Montgomery teaches "wherein said method further comprises: providing a reference to said first Java™ compliant applet with a reference to said second Java™ compliant when said determining determines that access should be allowed" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

20.   As per Claim 18, Montgomery teaches "wherein said providing of a reference comprises: invoking a first method implemented that is implemented as a part of Java™ management (or system) environment; and invoking a second method that is implemented as a Applet class, as a result of said invoking of the second method" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

21.   As per Claim 19, Montgomery teaches "wherein said determining of whether said first Java™ compliant applet should be allowed to access said second Java™ compliant applet comprises: reading a firewall control value; and reading a firewall control indicator" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

22.   As per Claim 20, Montgomery teaches "wherein said determining of whether said first Java™ compliant applet should be allowed to access said second Java™ compliant applet comprises: reading a first PID associated with said first Java™ compliant applet; reading a second PID associated with said second Java™ compliant applet; determining whether said first PID matches said second PID; and allowing access only

when said determining determines that said first PID matches said second PID"

(Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

23. As per Claim 21, Montgomery teaches "wherein said determining of whether said first Java™ compliant applet should be allowed to access said second Java™ compliant applet comprises: reading a first AID associated with said first Java™ compliant applet; reading a second AID associated with said second Java™ compliant applet; determining whether said first AID matches said second AID; and allowing access only when said determining determines that said first AID matches said second AID" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

Conclusion

24. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

25.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be

evaluated by what they suggest to one versed in the art, rather than by their specific

disclosure. If applicants are aware of any better prior art than those are cited, they are

required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pramila Parthasarathy whose telephone number is 571-

272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the

receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR only. For more

information about the PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).

Pramila Parthasarathy
May 28, 2007.